

REMARKS

Applicants have thoroughly considered the February 4, 2008 Final Office action. This Amendment E amends 1 and 10. Applicants thus respectfully submit that claims 1-8 and 10-17 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Applicants also submit that each claim of the current invention is commonly owned by the inventors at the time a later invention was made.

Rejection under 35 U.S.C. §112

Claims 1, 3, 10 and 12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1 and 10 by replacing the term "metadata" with the terms "media files" to correct the antecedent basis issue. Claims 3 and 12 have been amended to add the word "the" before the word "metadata" on the last line of claims 3 and 12 to also correct antecedent basis issue. In particular, Applicants respectfully submit that claims 2 and 11 recite the "property defined by the metadata...". Therefore, Applicants respectfully submit that the rejection of claims 1, 3, 10 and 12 under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 3 and 12 have been amended by removing "identified as" from the last line of the claims so as to further clarify the claim language. Therefore, the rejection of claims 3 and 12 under 35 U.S.C. §112 should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 1-4, 10-13, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 20020138471 to Dutta et al. in view of US Patent Publication No. 20030036948 to Woodward et al and US Pat. Pub. No. 2006/0090030 to Ijdens et al. Applicants respectfully submit that the combined references of Dutta and Woodward fail to disclose each and every element of the independent claims 1 and 10.

Amended claim 1 recites, in part:

prioritizing the plurality of media file sources for retrieving the property of the media file based on business rules according to Digital Rights Management (DRM) of the media file, said business rules indicating **a predefined priority based on** at least compatibility and importance of the media file sources, wherein the plurality of media file sources includes at least one of the following: an advanced stream

redirector (ASX) source, a server-side playlist source, a media library source, a file header source, a digital rights management (DRM) source, and a basic metadata source;
querying each of the prioritized plurality of media file sources in an order of sequence according to **the predefined** priority to identify a source of the media file, said identified source of the media file including metadata associated therewith....

Applicants respectfully submit that Dutta teaches away from the recited feature of “a **predefined priority** based on at least compatibility and importance of the media file sources (emphasis added).” See also paragraphs [0031] and [0037]. In particular, the predefined priority enables enhanced retrieval of the metadata from the media file sources. See also paragraph [0038].

To the contrary, Dutta teaches away from the predefined priority. As an overview, Dutta discloses “a peer-to-peer network such that a peer-to-peer search within the peer-to-peer network is initiated beginning with those nodes on which relevant content has **previously been found** for particular search keywords (emphasis added).” Dutta, Abstract. Applicants respectfully submit that Dutta is covering a different field and is directed to solving a different problem from the current invention. In addition, Dutta discloses a selective priority based on a rating system that is a measure based on a post-processing activities. In other words, Dutta teaches a changeable order or ranking based on the number of times that a file is played (for a media file). Dutta, paragraph [0066]. Furthermore, paragraphs [0061] and [0075] of Dutta, as cited by the Office, fails to disclose or suggest such “predefined priority” advantage as described by the application.

Moreover, Woodward and Ijdens fail to cure at least the above deficiencies of Dutta. In fact, the combined references of Dutta, Woodward and Ijdens fail to disclose or suggest each and every element of the recited claim because the combined references fail to disclose or suggest at least the feature of “a **predefined priority** based on at least compatibility and importance of the media file sources.” Therefore, for at least the reasons above, Applicants respectfully submit that the rejection of claim 1 and its dependent claims 2-8 under 35 U.S.C. §103(a) should be withdrawn.

Similarly, amended claim 10 recites, in part, “determining instructions for determining a priority of the plurality of media file sources for retrieving the property of the media file based on business rules according to Digital Rights Management (DRM) of the media file, said business rules indicating a **predefined priority based on** at least compatibility and importance of the media file sources, wherein the plurality of media file sources includes at least one of the following: an advanced stream redirector (ASX) source, a server-side playlist source, a media library source, a file

header source, a digital rights management (DRM) source, and a basic metadata source; querying instruction for querying each of the prioritized plurality of media file sources according to the predefined priority to identify a source of the media file....” For at least the reasons above, Applicants respectfully submit that the combined references of Dutta, Woodward, and Ijdens fail to disclose or suggest each and every element of the rejected claims. Hence, the rejection of claims 10-18 under 35 U.S.C. §103(a) should be withdrawn.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants’ agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/TAN-CHI YUAN/

Tan-Chi Yuan, Limited Recognition No. L0113
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
314/231-5400

FRA/ATY/eaw
Via EFS